

REMARKS

Claims 1, 3-5, 7-19 and 21-25 are pending in the present application. Claims 1, 3-5, 7-11, 15-19 and 21-25 have been allowed by the Examiner. Claims 12, 13, 16 and 18 have been rejected by the Examiner, and claims 14 and 17 have been objected to. Claim 16 has been cancelled herein. Claim 18 has been amended herein. Applicant respectfully traverses each ground of rejection and requests reconsideration and further examination of the application under 37 CFR § 1.111. Applicant responds to each ground of rejection and objection as follows.

A. Allowable subject matter.

Applicant would like to thank the Examiner for indicating the allowable subject matter of claims 1, 3-5, 7-11, 14-15, 17, 19 and 21-25.

B. Claims 16 and 18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

It is respectfully submitted that claim 16 has been cancelled herein, therefore it's rejection under 35 U.S.C. §112, second paragraph, is now considered moot. Claim 18 has been amended herein in order to remove the antecedent basis problem pointed out by the Examiner. It is therefore respectfully submitted that claim 18 is now allowable.

C. Claims 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipate by Duckett et al.

Claim 12 specifically requires "wherein said interlocked first and second seat modules are adapted to substantially pivot relative to one another." It is respectfully

submitted that the above-recited element of Applicant's claim 12 is not shown or suggested in the references of record. *shown*

The Duckett et al. reference discloses a plurality of seat assemblies 12 which are coupled to one another and to an underlying conventional wooden bench 10. Each of the seat assemblies 12 includes front and rear flanges 17 and 19 which extend down over the sides of the wooden bench 10. Furthermore, these flanges 17 and 19 extend over the flange 22b of the adjacent seat module. Interaction of the downwardly extending flanges 17 and 19 with both the underlying wooden bench 10 and the flange 22b of the adjoining seat module 12 will not allow the seat modules 12 of Duckett et al. "to substantially pivot relative to one another" as required by Applicant's claim 12. Any pivoting motion of one seat module 12 relative to an adjacent seat module 12 will be prevented by interaction between the flanges 17 and 19 with the sides of the underlying wooden bench 10 and also by interaction with the flanges 17 and 19 with the flange 22b of the adjacent seat module 12 inserted therein. The slot 27 provided in the seat module 12, through which the fastener is passed, is only present to provide "a suitable manufacturing tolerance to assure correct alignment and will permit limited thermal expansion of the seats when they are subjected to varying temperatures" (Col. 3, ll. 3-6).

Because the seat modules disclosed in Duckett et al. do not show or suggest that "said interlocked first and second seat modules are adapted to substantially pivot relative to one another", as required by Applicant's claim 12, it is respectfully submitted that claim 12 is allowable in view of the references of record.

Claim 13 depends from claim 12 and therefore includes all of the limitations of claim 12. It is respectfully submitted that Applicant's claim 12 is allowable over the

Claim does not require pivoting when modules are attached to support

opening 27 allows the slot 27 allows the module to be slid away from another module while still engaged with another module by way of the fastener 29. The module can then be pivoted down without interfering with respect to the two other modules. (See Fig. 1) when removed from support 10

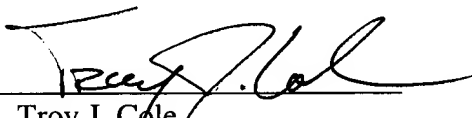
references of record for the same reasons as set forth above with respect to claim 12. Furthermore, claim 13 requires "a recessed area for receiving a plate having indicia thereon." It is respectfully submitted that the Duckett et al. reference makes no mention of a recessed area for receiving a plate having indicia thereon. It is therefore respectfully submitted that claim 13 is also allowable for this reason.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance, and respectfully requests such action. Should it facilitate allowance of the application, the Examiner is invited to telephone the undersigned attorney.

No fees are believed to be necessary, however, should any fees be deemed required, please charge such fees to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By: _____


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